

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SCOTT POWERS,	:	
	:	20 Civ. 2625 (LGS)
Plaintiff,	:	
	:	
-against-	:	<u>ORDER</u>
	:	
MEMORIAL SLOAN KETTERING CANCER	:	
CENTER, et al.,	:	
Defendants.	:	
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LORNA G. SCHOFIELD, District Judge:


WHEREAS, on March 28, 2023, a conference was held to discuss the parties' remaining disputes, as presented in the joint letter at Dkt. 450. For the reasons discussed at the conference, it is hereby

ORDERED that Plaintiff's demonstrative aids, including PD-8, may illustrate Ms. Zak's medical chronology as included in the expert report of Dr. Navuluri and may be published during his testimony. Plaintiff's demonstrative aids and trial testimony may not reflect any expert opinions from Dr. Navuluri not disclosed in his expert report. It is further

ORDERED that, in the interest of clarity, Dr. DeMatteo may testify as a fact witness treating physician about his own experiences and observations during the period in which he treated Ms. Zak at Memorial. Dr. DeMatteo may also testify to any expert opinion properly disclosed in his expert report. Dr. DeMatteo may not testify to other matters, and Plaintiff shall not attempt to elicit such testimony. It is further

ORDERED that Plaintiff has not proffered admissible expert testimony regarding the cause of the July 2017 rupture and embolization of Ms. Zak's hepatic artery, that is, testimony connecting it to the April 10, 2017, ablation. Consequently, slides relating to the July 2017 embolization -- as well as other testimony or exhibits pertaining to the July 2017 embolization -- are substantially more prejudicial and confusing to the jury than probative, and accordingly such slides are excluded from PD-8 and any other demonstrative. *See* Fed. R. Evid. 403.

Dated: March 30, 2023
New York, New York



LORNA G. SCHOFIELD
UNITED STATES DISTRICT JUDGE